

SUMMONS IN A CIVIL ACTION

CIV. Ja (2-54)
(Formerly D. C. Form No. 45a Rev. (6-49))

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Executive Registry

76-5750

CIV - 76 - 548

CIVIL ACTION FILE NO. _____

NELSON KYLE STEENLAND
341 Bird Avenue
Buffalo, New York,

Plaintiff

v.

CENTRAL INTELLIGENCE AGENCY, Washington,
D.C., and GEORGE BALL, Individually and
in his capacity as Director, Central
Intelligence Agency; FEDERAL BUREAU OF
INVESTIGATION, Washington, D.C., and
CLARENCE M. KELLY, Individually and in
his capacity as Director, Federal Bureau
of Investigation, UNITED STATES
DEPARTMENT OF JUSTICE, Washington, D.C.,
EDWARD H. LEVI, DEPARTMENT OF STATE,
HENRY KISSINGER, Defendants.

To the above named Defendant :

SUMMONS

You are hereby summoned and required to serve upon

BARBARA ELLEN HANDSCHU,

[LETT]

plaintiff's attorney, whose address

318 Brisbane Building,
Buffalo, New York 14203

[H]

an answer to the complaint which is herewith served upon you, within 20 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be
taken against you for the relief demanded in the complaint.

JOHN K. ADAMS

Clerk of Court.

Deputy Clerk.

Date: NOV 24 1976

[Seal of Court]

OJC

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

* * * * *

NELSON KYLE STEENLAND
341 Bird Avenue
Buffalo, New York,
Plaintiff,

CIV - 76 - 548

- against -

CENTRAL INTELLIGENCE AGENCY, Washington,
D.C., and GEORGE BALL, Individually and
in his capacity as Director, Central
Intelligence Agency, Washington, D.C.;
FEDERAL BUREAU OF INVESTIGATION, Washington,
D.C., and CLARENCE M. KELLY, Individually
and in his capacity as Director, Federal
Bureau of Investigation, Washington, D.C.;
UNITED STATES DEPARTMENT OF JUSTICE,
Washington, D.C., and EDWARD H. LEVI,
Attorney General of the United States,
Washington, D.C.;
DEPARTMENT OF STATES, Washington, D.C.,
and HENRY KISSINGER, Individually and in
his capacity of Secretary of State,
Washington, D.C.,
Defendants.

CIVIL ACTION

COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

* * * * *

JURISDICTION

1. This is an action commenced under the Freedom of Information Act, 5 U.S.C. Section 552, to order defendants to produce certain documents for inspection and copying, to wit: the complete files constituting any and all records maintained, compiled, exchanged, obtained, etc., by the parties defendants pertaining to the plaintiff, NELSON KYLE STEENLAND (hereinafter referred to as: "the requested documents").

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. section 552(a)(4); Title 28, U.S.C. 1361; and the First and Fifth Amendments to the United States Constitution.

PARTIES

3. Plaintiff is an adult citizen of the United States and a resident of the State of New York and the County of Erie.

4. Defendant CENTRAL INTELLIGENCE AGENCY (hereinafter referred to as: "CIA") is an agency of the Executive Branch in which some of the documents are located; Defendant GEORGE BALL is the Director of the CIA; he is sued in his official capacity as custodian of the requested documents, and as head of the agency in which the requested documents are located.

5. Defendant FEDERAL BUREAU OF INVESTIGATION, (hereinafter referred to as: "FBI") is an agency of the Executive Branch in which some of the documents are located; Defendant CLARENCE M. KELLY, is the Director of the FBI; he is sued in his official capacity as custodian of the requested documents, and as head of the agency in which the requested documents are located.

6. Defendant EDWARD H. LEVI is the Attorney General of the United States and is sued in his official capacity as supervisor of Defendant KELLY; Defendant DEPARTMENT OF JUSTICE (hereinafter referred to as "JUSTICE") is an agency of the Executive Branch in which some of the documents are located.

7. Defendant DEPARTMENT OF STATE (hereinafter referred to as: "STATE") is an agency of the executive Branch in which some

of the documents are located; Defendant KISSINGER is the Secretary of State; he is sued in his official capacity as custodian of the requested documents and as head of the agency in which the requested documents are located.

AS AND FOR A FIRST CAUSE OF ACTION:

8. By letter dated 26 July, 1975, addressed to WILLIAM T. COLBY, Director (successor to Defendant BALL), Plaintiff requested access to the requested documents.

9. By letter dated 15 August, 1975, the Defendant CIA (by ROBERT S. YOUNG, Freedom of Information Coordinator) informed the Plaintiff that the Defendant CIA was "continuing to process" the Plaintiff's request and asked for further time for a "thorough search of the records".

10. By letter dated 31 August, 1975, addressed to CENTRAL INTELLIGENCE AGENCY, INFORMATION REVIEW COMMITTEE, Attn.: ROBERT S. YOUNG, the Plaintiff appealed the Defendant's (CIA) request for an indefinite extension.

11. By letter dated 9 September, 1975, signed by GENE F. WILSON, the Defendant CIA indicated that arrangements would be made for consideration of the Plaintiff's appeal.

12. By letter dated 5 November, 1975, by JOHN S. PRUDEN, Director Foreign Affairs Department and Reference Center, DEPARTMENT OF STATE, the Plaintiff was informed that Defendant STATE had received a referral from the CIA concerning the Plaintiff's request for information and that the CIA had located

a document which purported to have been originated by the Defendant STATE. The Defendant STATE went on to indicate that said document was being sent to the "Privacy Staff, Foreign Affairs Document and Reference Center" relative to the propriety of its release.

13. By letter dated 11 November, 1975, addressed to JOHN PRUDEN, for Defendant STATE, Plaintiff informed that Defendant that he intended to hold that Defendant to the statutory limitation of 10 working days, for determination relevant to release of the aforementioned document.

14. By letter dated 17 November, 1975, by JOHN F. BLAKE, Chairman, Information Review Committee, for the Defendant CIA, the Plaintiff was informed of the determinations by one WILLIAM E. NELSON (Deputy Director for Operations) relevant to release for the requested documents and Plaintiff; appeal thereof. Enclosed with said letter were deleted versions of what purported to be Plaintiff's requested documents of some 21 pages. Exemptions were claimed pursuant to the following: Executive Order 11652; (b)(1) of the Freedom of Information Act (hereinafter referred to as: "FOIA"); 102(d)(3) of the National Security Act and section 6 of the CIA Act; and (b)(3) of the FOIA; and (b)(6) of the FOIA. Plaintiff was informed of his right to seek United States District Court review from said determination.

15. Plaintiff has exhausted his administrative remedies.

16. Plaintiff is entitled, pursuant to 5U.S.C. section 552(a), to inspect and copy the requested documents.

AS AND FOR A SECOND CAUSE OF ACTION:

17. Plaintiff repeats and realleges the facts as set forth in paragraphs "1" through "6" inclusive, as if set forth herein specifically at length.

18. By letter of 26 July, 1975, addressed to Defendant KELLY for the Defendant FBI, the Plaintiff requested access to any records maintained on the Plaintiff.

19. By letter of 18 August, 1975, the Defendant KELLY informed the Plaintiff that the Defendant requested an additional 60 day's time to process the Plaintiff's request.

20. By letter of 7 October, 1975, the Defendant KELLY requested further extension of time, by reason of what was referred to as "heavy volume", as well as the signature of the Plaintiff in notarized form.

21. By letter of 12 October, 1975, the Plaintiff informed the Defendant KELLY, in notarized form, that he, the Plaintiff, intended to hold the FBI to their originally requested extension of time, i.e., until 10 November, 1975.

22. By letter of 14 November, 1975, addressed to the Defendant KELLY, the Plaintiff appealed the FBI's failure to provide the Plaintiff with requested documents, indicating his intention to hold the agency to a timely response to said appeal.

23. By letter of 25 November, 1975, Chairwoman, BELLA S. ABZUG (who had been in receipt of copies of prior

correspondence of the Plaintiff relative to the instant requests) advised the plaintiff to address his appeal to the DEPARTMENT OF JUSTICE (hereinafter: "JUSTICE").

24. By letter of 10 December, 1975, addressed to the Attorney General, the Plaintiff appealed the Defendant FBI's and KELLY's failure to act in a timely manner.

25. By letter of 26 February, 1976, the Defendant JUSTICE (by RICHARD M. ROGERS) informed the Plaintiff that the Office of the Attorney General could not act until there was an initial determination by the Defendants FBI and KELLY. Plaintiff was encouraged to permits Defendants FBI and KELLY further extension of time.

26. By letter of 9 July, 1976, the Defendant KELLY notified the Plaintiff that the documents available for release constituted 70 pages and that such would require advance payment of \$7.00.

27. By letter of 17 July, 1976, the Plaintiff forwarded the \$7.00 requested to Defendant KELLY.

28. By letter of 26 July, 1976, the Defendants FBI and KELLY forwarded Plaintiff 70 xeroxed pages, containing numerous deletions, oftentimes making same completely unintelligible. Said deletions were claimed to be exercised pursuant to the following exemptions: Executive Order 11652 and (b)(1); (b)(2); and (b)(7) and (C)(D) and (F) of the FOIA. Plaintiff further was informed that documents originating at the Department of STATE and the CIA would be referred to those agencies with a request

for those agencies to determine the releasability of such documents.

29. By letter of 10 August, 1976, addressed to the Attorney General, for defendants JUSTICE and LEVI, the Plaintiff appealed for release of his entire documents constituting the file.

30. By letter of 7 September, 1976, from the Attorney General (by RICHARD M. ROGERS) the Plaintiff was informed that his appeal number was 2240-P and that appeals through number 1265-P have been assigned as of the date of that letter.

31. As of the time of this complaint, the Plaintiff has not been notified by Defendant LEVI or JUSTICE of the outcome of his appeal. Thus, the Plaintiff's request, as a matter of law, has been denied and all administrative remedies have been exhausted.

32. Plaintiff is entitled, pursuant to 5 U.S.C. section 552(a) and 552a(d) to inspect and copy the requested documents.

AS AND FOR A THIRD CAUSE OF ACTION:

33. Plaintiff repeats and realleges the facts as set forth in paragraphs "1" through "6" inclusive and "12", "13" and "28", as if set forth specifically herein.

34. On or about 10 June, 1976, the Defendant STATE (by JOHN S. PRUDEN) forwarded 8 pages, in exised, deleted form, purporting to represent documents reviewed by the Passport Office and the Office of Security.

35. An additional enclosure, in the letter of 10

June, was a letter of 1 May, 1976, by Defendant STATE (by VICTOR H. DIKEDS), approving release of enclosed documents #1 and #2 with deletions, claiming privilege under 5 U.S.C., 552a(k)5. The plaintiff was informed, in the letter of 10 June, 1976, that there was no administrative review and that he was free to seek judicial review.

36. Plaintiff has exhausted his administrative remedies.

37. Plaintiff is entitled, pursuant to 5 U.S.C. section 552(a) and 552a(d) to inspect and to copy the requested documents.

WHEREFORE, Plaintiff requests (1) that the Court order the Defendants to produce all of the requested documents in their entirety for the Plaintiff's inspection and copying; (2) that this Court award Plaintiff his costs, disbursements and reasonable attorneys' fees in this action as provided by 5 U.S.C. section 552(g)(3)(B); (3) that this Court grant such other and further relief as the Court may deem proper in the premises; and (4) that the Court provide for expedition of proceedings in this matter as provided in 5 U.S.C. section 552(a)(4)(C)(D).

Yours, etc.,

BARBARA ELLEN HANDSCHU
Attorney for Plaintiff
Office & P.O. Address
318 Brisbane Building
Buffalo, New York 14203

Dated: Buffalo, New York
22 November, 1976

SUMMONS IN A CIVIL ACTION

CIV. 1a (2-64)
(Formerly D.C. Form No. 45a Rev. (6-49))

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

CIV - 76 - 548

CIVIL ACTION FILE NO. _____

NELSON KYLE STEENLAND
341 Bird Avenue
Buffalo, New York,

Plaintiff

v.

SUMMONS

CENTRAL INTELLIGENCE AGENCY, Washington,
D.C., and GEORGE BALL, Individually and
in his capacity as Director, Central
Intelligence Agency; FEDERAL BUREAU OF
INVESTIGATION, Washington, D.C., and
CLARENCE M. KELLY, Individually and in
his capacity as Director, Federal Bureau
of Investigation, UNITED STATES
DEPARTMENT OF JUSTICE, Washington, D.C.,
EDWARD H. LEVI, DEPARTMENT OF STATE,
HENRY KISSINGER, Defendants.

To the above named Defendant :

You are hereby summoned and required to serve upon

BARBARA ELLEN HANDSCHU,

[REVR]

plaintiff's attorney , whose address

318 Brisbane Building,
Buffalo, New York 14203

[REVR]

Barbara Ellen Handschu

an answer to the complaint which is herewith served upon you, within 20 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be
taken against you for the relief demanded in the complaint.

JOHN K. ADAMS

Clerk of Court.

Deputy Clerk.

Date: NOV 24 1976

[Seal of Court]

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

* * * * *

NELSON KYLE STEENLAND
341 Bird Avenue
Buffalo, New York,

Plaintiff,

- against -

CIV - 76 - 548

CENTRAL INTELLIGENCE AGENCY, Washington,
D.C., and GEORGE BALL, Individually and
in his capacity as Director, Central
Intelligence Agency, Washington, D.C.;
FEDERAL BUREAU OF INVESTIGATION, Washington,
D.C., and CLARENCE M. KELLY, Individually
and in his capacity as Director, Federal
Bureau of Investigation, Washington, D.C.;
UNITED STATES DEPARTMENT OF JUSTICE,
Washington, D.C., and EDWARD H. LEVI,
Attorney General of the United States,
Washington, D.C.;
DEPARTMENT OF STATES, Washington, D.C.,
and HENRY KISSINGER, Individually and in
his capacity of Secretary of State,
Washington, D.C.,

Defendants.

CIVIL ACTION

COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

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JURISDICTION

1. This is an action commenced under the Freedom of Information Act, 5 U.S.C. Section 552, to order defendants to produce certain documents for inspection and copying, to wit: the complete files constituting any and all records maintained, compiled, exchanged, obtained, etc., by the parties defendants pertaining to the plaintiff, NELSON KYLE STEENLAND (hereinafter referred to as: "the requested documents").

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. section 552(a)(4); Title 28, U.S.C. 1361; and the First and Fifth Amendments to the United States Constitution.

PARTIES

3. Plaintiff is an adult citizen of the United States and a resident of the State of New York and the County of Erie.

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Yours, etc.,

BARBARA ELLEN HANDSCHU
Attorney for Plaintiff
Office & P.O. Address
318 Brisbane Building
Buffalo, New York 14203

Dated: Buffalo, New York
22 November, 1976

- 8 -

1.12

UNCLASSIFIED

CONFIDENTIAL

SECRET

EXECUTIVE SECRETARIAT

Routing Slip

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	S/MC				
4	DDS&T				
5	DDI				
6	DDA				
7	DDO				
8	D/DCI/IC				
9	D/DCI/NIO				
10	GC	X			
11	LC				
12	IG				
13	Compt				
14	D/Pers				
15	D/S				
16	DTR				
17	Asst/DCI				
18	AO/DCI				
19	C/IPS				
20					
21					
22					

SUSPENSE

Date

Remarks:

3637 (1-75)

Executive Secretary
29 November 1976

Date